

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2001

Application or Docket Number

10/082674
10082674

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	8	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	8 minus 20 =	0
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

Amend filed 6/6/05

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**	=
	5		20	/
	4		4	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

(Column 1) (Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	370.00
X\$ 9=	
X42=	
+140=	
TOTAL	

RATE	FEE
BASIC FEE	740.00
X\$18=	
X84=	
+280=	
TOTAL	

SMALL ENTITY

OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL	

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL	

RATE	ADDITIONAL FEE
X\$ 9=	
X42=	
+140=	
TOTAL	

RATE	ADDITIONAL FEE
X\$18=	
X84=	
+280=	
TOTAL	

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JUN 08 2005

Docket No. 109770.0014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/238,083
Applicant(s) : Larry DeMoss, et al.
Filed : September 10, 2002
T.C./A.U. : 3683
Examiner : Bradley T. King
Docket No. : 109771.0014

I hereby certify that this correspondence (along with any other paper referred to as being attached or enclosed) is being faxed to Examiner Bradley T. King at 703.872.9306 on the date below.

Name: Jennifer C. Safranek

Signature: _____

Date: March 28, 2005

VIA FACSIMILE 703.872.9306
Mail Stop APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED BRIEF OF APPELLANT UNDER 37 C.F.R. §1.192

This Appellant's Brief is filed in triplicate with the Board of Patent Appeals and Interferences further to a Notice of Appeal filed January 26, 2005. This Brief is an amendment of the Appeal Brief filed March 28, 2005, submitted in response to a Notification of Non-

06/10/2005 SHORELINE 00000000 Appeal Brief mailed May 9, 2005.

01 FC:1402

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I. REAL PARTY IN INTEREST

The real party in interest in this matter is the Applicant/Assignee, Sealy Technology LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

Docket No. 109770.0014

Even though the Codos patent says that the "connective matrix means" can include helically shaped wire, spiral lacing wire or spiral-shaped connecting elements (Codos, column 9, lines 13-22), the coils disclosed by Codos in a height range greater than six (6) inches (e.g. 8 1/4 to 8 3/4 inches as described by Codos in column 12, line 55 to column 13, line 1) could not be used in a wire-interconnected innerspring and baled under the claimed compressive force range, without catastrophic deformation of the stacked innersprings, i.e., inability to bale the innersprings as required in the mattress industry.

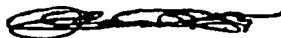
Because Codos does not address the same challenges and problems that the present invention overcomes, i.e., high profile bare wire (not pocketed) coils which are dimensioned to be balable within a baling force range which is practicable, and does not disclose or suggest coils or innersprings with the claimed dimensional ranges, there is no basis for one of ordinary skill to somehow derive the invention as claimed from the disclosure of Codos. Codos does not even mention the process of baling wire form mattress innersprings because pocketed coil type mattresses are not baled. They are either assembled all in the same location, or strings of pocketed coils are transferred from one location to a mattress assembly location. There is no need for baling, and therefore there is absolutely no motivation to even address the issue of baling (much less to design a coil in a specified length range and within a compressive force range).

For at least these reasons the rejections of the claims are not supportable by the disclosure of the Codos patent as the primary reference. Appellants concede, for purposes of this appeal, that the claims stand or fall together as grouped in the rejections. Reversal of all of the rejections of the claims is therefore respectfully requested.

Respectfully submitted,
ROETZEL & ANDRESS

JUNE 8, 2005

Date



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